

Comptroller General
of the United States
Washington, D.C. 20548

B-210555-23, May 18, 1987
No longer followed.

Decision

CP

Matter of: Home-to-Airport Transportation

File: B-210555.44

Date: January 22, 1991

DIGEST

Use of a government vehicle for transportation between an employee's home and an airport or other common carrier terminal in conjunction with official travel is not precluded by the statute governing home-to-work transportation or by any provision of the Federal Travel Regulations. Contrary views expressed in B-210555.23, May 18, 1987, will no longer be followed.

DECISION

This decision is in response to a request from the General Counsel of the General Services Administration (GSA) that we reconsider our prior interpretation that there is no authority for a federal employee to receive home-to-airport transportation in a government car. As will be explained below, we agree with GSA's view that the use of government vehicles for home-to-airport transportation in conjunction with official travel is not prohibited under the applicable laws and regulations.

BACKGROUND

In a letter to an Assistant Commissioner of the Customs Service, B-210555.23, May 18, 1987, we answered two questions. The first question concerned whether there was authority for an employee to be given home-to-airport transportation in a government vehicle. We held that there was no such authority. We noted that the home-to-work statute, 31 U.S.C. § 1344, could not be viewed as authorizing this practice. We further noted that the provisions in the Federal Travel Regulations (FTR) addressing such transportation only authorized reimbursement for taxicabs, public transportation, or mileage and parking fees. Therefore, we concluded that an employee could not receive home-to-airport transportation in a government vehicle.

In requesting reconsideration, the General Counsel points out, among other things, that the language of 31 U.S.C. § 1344 and

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the legislative history of the 1986 amendments to that statute evidence that Congress did not intend the home-to-work statute to apply to an employee in temporary duty travel status. Therefore, it is GSA's position that we should reverse our holding that prohibits the use of government vehicles for home-to-airport transportation since an employee is in temporary duty travel status between his or her home and the airport.

OPINION

We have reconsidered the rationale behind our decision in B-210555.23, May 18, 1987, and conclude that we were incorrect in reaching the conclusion that use of a government car between an employee's home and an airport or other common carrier terminal was not authorized.

When an employee departs from his or her residence and travels to an airport or other common carrier terminal to begin temporary duty travel away from the official station, the employee is in official travel status. Federal Travel Regulations (FTR), 41 C.F.R. § 301-7.4(c) (1990), implementing the statutes governing travel expenses, 5 U.S.C. §§ 5701-5709 (1988). We have held that the prohibitions in 31 U.S.C. § 1344 are not applicable to an employee who is in a travel status, and we have recognized that an employee in a travel status could use a government vehicle for purposes that would not be allowed for an employee at his or her permanent duty station. See e.g., B-210555.3, Feb. 7, 1984; B-210555.5, Dec. 8, 1983.

The 1986 amendments to section 1344 made it even clearer that the statute does not apply to an employee in a travel status but only prohibits federal officials from receiving transportation by a government vehicle between their residence and "place of employment." The House report, in describing the employee's "place of employment" for purposes of this general prohibition, states:

"'Place of employment' means the primary place where an officer or employee performs his or her business, trade or occupation, and includes, but is not limited to, an official duty station, home base, or headquarters. It includes any place where an employee is assigned to work. This legislation covers transportation to such a site that is not covered by statutes dealing with the provision of travel benefits to officers or employees of the government." H.R. Rep. No. 451, 99th Cong., 1st Sess. 7 (1986).

Thus, the statute, as now written, by its terms does not apply to transportation between home and airport and, as GSA notes, the legislative history makes clear that such transportation in connection with official travel was not intended to be covered.

Our prior interpretation of this question, B-210555.23, ^{supra}, also relied upon the rationale that the FTR does not authorize use of a government vehicle from home to airport. However, in that same letter that we denied home-to-airport transportation, we also noted that the use of a government vehicle between the airport and the employee's office was not precluded by a statute and was allowable even though the FTR does not specifically authorize this use of a government vehicle. See also B-210555.18, B-210555.20, Mar. 10, 1987. Upon reconsideration, we conclude that there is no logical reason to treat travel between home and airport differently than between airport and office for an employee in a travel status.

While a specific provision in the FTR authorizing home-to-airport transportation for an employee is not legally required, we believe that such a regulation would be desirable to provide guidance to agencies.^{1/} In any event, this type of transportation would be subject to the general rules applicable to authorizing the mode of transportation for an employee in a travel status. As we have stated, "federal agencies are required to select the mode of transportation 'which will result in the greatest advantage to the government,' and to consider 'lost work time' in that selection." B-210555.18, B-210555.20, ^{supra}, citing FTR § 1-2.2b, FPMR 101-7, June 19, 1973 (now contained in 41 C.F.R. § 301-2.2(b) (1989)). Of course, the actual transportation cost is always a factor to be considered in making this decision. 41 C.F.R. § 301-2.2(b).

Accordingly, we now hold that an employee may be transported in a government vehicle from his or her home to a common carrier terminal in conjunction with official travel, subject

^{1/} Presently, the regulations authorize reimbursement of taxicab or airport limousine fares or mileage and parking expenses for the employee's privately owned vehicle for such travel. 41 C.F.R. §§ 301-2.3(c) and 301-4.3(d) (1990).

to the general FTR provisions governing the mode of travel.
Our prior interpretation as expressed in B-210555.23 ~~May~~ 18,
1987, will no longer be followed.

for Milton J. Fowler
Comptroller General
of the United States

Civilian Personnel
Travel
Commuting expenses
Prohibition
Applicability